



Burton Upon Stather Parish Council

Grievance Policy & Procedure

1 Purpose

- 1.1 The purpose of this policy and procedure is to ensure that the Parish Council provides a framework for the resolution of employee grievances.
- 1.2 This policy and procedure is written in line with the Council's a commitment to safeguarding, health safety and welfare, equality diversity and inclusion and data protection.

2 Scope

- 2.1 This policy and procedure:
 - applies to all employees, regardless of length of service with the Council
 - does not apply to self-employed contractors
- 2.2 The Council aims to investigate any formal grievance which an employee may raise, hold a meeting to discuss it with them, inform them in writing of the outcome, and give them a right of appeal if they are not satisfied.
- 2.3 This policy and procedure does not form part of any employee's contract of employment and the Council may amend it at any time.

3 Roles and Responsibilities

- 3.1 The Personnel Committee has overall responsibility for the effective operation of the procedure.
- 3.2 Managers have a specific responsibility to ensure that they, and their staff, are fully aware of this policy and procedure and that it is fairly applied to ensure its success wherever possible.
- 3.3 All employees are responsible for following the procedure in an appropriate and professional manner to ensure its success wherever possible.
- 3.4 Trade union colleagues have a responsibility to support the operation of Parish Council policies and procedures and support employees through relevant processes. They should work with employees and managers towards informal resolution of grievances wherever possible.

- 3.5 The Personnel Committee are responsible for monitoring relevant activity related to this policy, reviewing outcomes, and taking appropriate action or preventative action.

4 Definitions and/or Relevant Legislation

Relevant Legislation:

- Employment Rights Act 1996
- Employee Relations Act 1999
- Trade Union and Labour Relations (Consolidation) Act 1992
- ACAS statutory Code of Practice
- Health and Safety etc at Work Act 1974
- Equality Act 2010 (Amendment) Regulations 2023

Grievances are concerns, problems or complaints which employees may raise with their employer.

5 The Policy and Procedure

It is the Council's policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay.

5.1 Raising Grievances Informally

5.1.1 Most grievances can be resolved quickly and informally through discussion with the employee's line manager. Employees should seek to resolve their grievance using all available routes before seeking to formalise their grievance. If they feel unable to speak to their manager, for example because the complaint concerns them, then they should speak informally to a member of the Personnel Committee.

5.1.2 It is expected every effort will be made to resolve issues informally. Where every attempt to resolve the matter informally has been exhausted, it may be appropriate for employees to raise a grievance under the formal procedure below.

5.1.3 The line manager should inform the Personnel Committee of any grievances they are trying to resolve. The Personnel Committee will agree on an appropriate way forward including escalating an informal grievance to formal.

5.2 Formal Written Grievances

5.2.1 If the employee's grievance cannot be resolved informally, they should put it in writing and submit it to their line manager. If the employee's complaint concerns their line manager, they should submit it to the Personnel Committee or Councillor they feel comfortable to approach.

5.2.2 The written grievance should be headed "formal grievance" and contain a full description of the nature of the employee's complaint, including any relevant facts, dates, and names of individuals involved. The employee must also set out the resolution they are seeking. In some situations, the employee may be asked to provide further information.

If a grievance is raised during the disciplinary process, the Council may pause the process and investigate the grievance, where the grievance is relevant and may affect the outcome of the disciplinary process.

5.3 Confidentiality

- 5.3.1 The Council's aim is to deal with grievances sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation except for disclosing information in order to receive advice and support from a trade union representative or official or for welfare support.
- 5.3.2 The employee, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure without consent. CCTV may be used as evidence where required.
- 5.3.3 The employee will normally be told the names of any witnesses whose evidence is relevant. Where the Council consider there may be a risk to the person giving evidence, or there is a specific request, the identity of a witness may remain confidential.
- 5.3.4 Information about protecting the confidentiality of witnesses within internal investigations is available from the Information Commissioners Office at <https://ico.org.uk/>

5.4 Investigations

- 5.4.1 It may be necessary for the Council to carry out an investigation into the employee's grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents, which could include reviewing CCTV footage.
- 5.4.2 The employee must co-operate fully and promptly with any investigation. This may include informing the Council of the names of any relevant witnesses, disclosing any relevant documents to the Council and attending interviews, as part of the investigation. If employees are asked to attend an investigatory meeting as a witness, there is an expectation that they will participate. It may be agreed that statements will not be shared with the other party.
- 5.4.3 As stated above, the Council may initiate an investigation before holding a grievance hearing where the Council considers this appropriate. In other cases, the Council may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, the Council will hold a further grievance meeting with the employee after the Council's investigation and before they reach a decision. If an investigation takes place, the Personnel Committee will appoint an Investigating Officer. This may be an external HR Consultant to ensure a fair and consistent approach.
- 5.4.4 In some cases, the Council reserves the right, in line with ACAS Guidance on internal investigation to not release certain information that may be considered sensitive or personal under data protection legislation. The Council will also protect the confidentiality of any witness who requests the Council do so. The Council may also keep information confidential from the employee raising the grievance where it considers appropriate.

If an investigation indicates that a grievance is vexatious, or an employee repeatedly raises unfounded grievances, disciplinary proceedings against the complainant could follow.

Investigations will be completed as quickly as practicable, time limits will vary depending on the size and scope of the investigation.

5.5 Right to be Accompanied

- 5.5.1 The employee may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may either be a Trade Union Representative or a work colleague. They must inform the Personnel Committee who their chosen companion is in good time before the meeting.
- 5.5.2 At the meeting, the employee's companion may make representations to the Council and ask questions but should not answer questions on the employee's behalf. Should the employee wish to speak to their companion privately during the meeting they should request an adjournment.
- 5.5.3 Acting as a companion is voluntary and the employee's colleagues are under no obligation to do so.
- 5.5.4 If the employee's chosen colleague is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the Council will ask the employee to choose someone else.

5.6 Grievance Hearings

- 5.6.1 The hearing will be held as soon as is reasonably practical and normally within 10 working days of completion of the grievance investigation.

The employee and their companion (if any) should make every effort to attend. If the employee and their companion cannot attend at the time specified, they should inform the Personnel Committee immediately and the Council will try, within reason, to agree an alternative time. If an employee fails to attend two scheduled meetings, the Council reserves the right to conclude the grievance in their absence.

- 5.6.2 The purpose of a grievance hearing is to enable the employee to explain their grievance and how they think it should be resolved and to assist the Council to reach a decision based on the available evidence and the representations they have made. Grievances cannot be resolved to the satisfaction of all parties without clarity on a desired remedy or resolution. If this is not made clear, then the grievance will be returned to the employee for clarification. The outcome of a grievance will consider the employee's desired resolution, but this may not always be possible.
- 5.6.3 After an initial grievance hearing the Council may carry out further investigations and hold further meetings with the employee as the Personnel Committee considers appropriate, which will be arranged without unreasonable delay. Where a delay is foreseen, the employee will be advised of appropriate timescales and kept informed of any further delays.
- 5.6.4 The Council will write to the employee, usually within 10 working days of the final grievance meeting, to inform them of the outcome of their grievance and any further action that the Council intend to take to resolve the grievance.

5.6.5 Post-Termination Grievances

If grievances are submitted after an employee has left the Council (which must be submitted within 3 months of leaving the Council) or during an exit interview they will be dealt with via the Council's Complaints Procedure.

5.7 Appeal

- 5.7.1 If the grievance has not been resolved to the employee's satisfaction, they may appeal in

writing to the Chair of the Personnel Committee stating their full grounds of appeal within 10 working days of the date on which the decision was sent to them.

- 5.7.2 The Council will hold an appeal meeting, normally within 10 working days of receiving the employee's written appeal. This will be dealt impartially with the support of an external HR Consultant.
- 5.7.3 The hearing will be a review of the grounds of appeal raised within their appeal letter; it is not a re-hearing of the original grievance. Appeals will deal with issues of fairness, new information not available or presented at the original grievance meeting. The appeal letter should list the reasons for the appeal and the remedy/resolution the employee is seeking.
- 5.7.4 The Council will confirm their final decision in writing, usually within 10 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

6 **Relevant Policies and Procedures**

- 6.1
- Equality & Diversity Policy
 - Prevention of Bullying, Harassment, Sexual Harassment & Victimisation Policy
 - Safeguarding Policy
 - Health & Safety Policy
 - Code of Conduct
 - Complaints Procedure

7 **Who to contact with Queries/for Support**

- 7.1 It is recognised the grievance procedure can be stressful. For additional support and guidance please refer to the staff welfare handbook.
- 7.2 Where requested by witnesses, confidentiality will be maintained, and witnesses will not suffer any detriment resulting from their participation in the process.
- 7.3 The policy and procedure will be monitored by the Personnel Committee.

8 **Communication**

- 8.1 The Grievance Policy and Procedure will be made available via the Council website or from the Clerk.